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SUBJECT: RECOMMENDATION THAT USG SUPPORT CICIG MANDATE
EXTENSION

Summary

1. (SBU) The two-year mandate of the UN-led International Commission Against Impunity in Guatemala (CICIG) is set to expire in September 2009, and public opinion in Guatemala strongly favors extending it. The Embassy recommends that the USG support extension. CICIG is of pivotal importance to advancing our rule of law objectives, and specifically to combating Guatemala's nearly ubiquitous impunity. President Colom has already stated he will ask the UN for an extension, and it appears that most members of Congress are supportive. CICIG has not yet secured criminal convictions, but many of its investigations are well advanced. End Summary.

President Colom to Request Extension

2. (U) President Colom told reporters on March 3 that he will request that the UN extend CICIG's mandate for a further two years, because he believes "that the Commission is providing important support to the country, and much remains to be done." Furthermore, Colom said, he would prefer that Commissioner Carlos Castresana remain at CICIG's helm.

Congressional Approval Appears Likely

3. (SBU) An extension of CICIG's mandate would be subject to congressional approval. Although Congress was initially reticent to approve the establishment of CICIG, and many of its members with ties to organized crime undoubtedly would prefer that it be disbanded, early indications are that a majority in Congress would approve the extension. "Opposing the extension of CICIG's mandate would expose deputies and their parties to immediate press and international criticism," Guatemala Bench Deputy Rosa Maria de Frade told Pol/Econ Couns. "Most are not willing to pay that price, so congressional approval probably will not be an obstacle," she concluded. Congressional leaders who have already announced their support for CICIG's extension include those of the governing UNE party's bench, the "Guatemala Bench," and the opposition Patriot Party. Leaders of the FRG, UCN, and PAN party benches, which are allied with corrupt former President Alfonso Portillo (who was recently extradited from Mexico and released on bond), have said they would "have to study" the question of extending CICIG's mandate, rather than rejecting such a move outright.

4. (SBU) Support for extension of CICIG's mandate goes well beyond the executive and legislative branches of government. CICIG's principal Guatemalan counterpart, Attorney General Amilcar Velasquez, privately expressed to us his strong support, as did his Secretary General, Gloria Porras. Private sector leaders and newspaper columnists are overwhelmingly in favor, and most letters to editors of major

newspapers express support.

No Convictions Yet, but Good Progress

15. (SBU) CICIG has yet to secure any high-profile convictions, but several of its investigations are well advanced and may soon bear fruit. These include the Portillo embezzlement case, the Nicaraguan bus murders, the March 2008 narco-massacre, the Central American Parliament murders case, the Victor Rivera murder, and the investigation of former Chief Homicide Prosecutor Alvaro Matus. CICIG has also coached national authorities in dozens of other investigations and prosecutions, and directly supervises a special unit of the Public Ministry (Attorney General's Office). However, CICIG's contributions go beyond prosecutorial activities. CICIG is working closely with Congress on a host of security-related legislation. It is helping authorities to implement the new Organized Crime Law, which affords investigators such critical tools as wire tapping and undercover operations. CICIG laid out a plan for removing corrupt senior officials from the Public Ministry last year, which President Colom then executed. Through a series of high-profile, compelling and impassioned public appearances, Commissioner Castresana has assumed an informal role as the country's conscience, demanding that leaders do better in providing security and justice.

CICIG Pivotal to Advancing USG Objectives

16. (SBU) Security issues are at the top of our substantive agenda with the GOG. Guatemala's rule of law institutions are foundering under a wave of violence, much of which is narco-driven. CICIG is the international community's premier

tool in shoring up Guatemala's ROL institutions and combating impunity; the USG and Spain are CICIG's top donors. CICIG's institutional impact can be observed by comparing two key ROL institutions, the Public Ministry and the Supreme Court. CICIG can and does directly influence the Public Ministry. It is teaching Public Ministry personnel how to succeed in investigating and prosecuting organized crime, and is infusing them with new energy. Thanks to CICIG's aforementioned intervention and guidance, the Public Ministry is notably stronger now than it was one year ago. In contrast, CICIG does not have influence over the Supreme Court, the members of which are chosen every five years by a congressionally-appointed commission. The Supreme Court remains corrupt and adrift.

Recommendation

17. (SBU) The Embassy recommends that the USG support a two-year extension of CICIG's mandate. While CICIG has not yet secured high-profile convictions in cases of organized criminal penetration of the state, its investigations into some of Guatemala's most important cases are well advanced and promising. It has already brought indictments in several cases. CICIG has rendered valuable service in varied areas such as legislative reform and coaching national rule of law authorities. Its cooperation with the Embassy has been excellent. Its expert advice would be invaluable to the judicial reform process that we are encouraging the state to undertake. Most Guatemalans and local representatives of donor countries favor its extension: We believe CICIG continues to have a very valuable role to play in improving the rule of law in Guatemala, and believe a two-year extension would allow it to complete the investigation and prosecution of a number of emblematic cases. It would also strengthen the Guatemalan Public Ministry's ability to investigate and prosecute high-profile cases once CICIG departs.

McFarland